

129114

BOOK 168 PAGE 722

FILED FOR RECORD
SKAMANIA CO. WASH.
BY Skamania County

SEP 2 4 52 PM '97

GARY H. OLSON

Return Address:

Skamania County
Clerk to the Board
of County Commissioners

Please Print or Type Information.

Document Title(s) or transactions contained therein:	
1. License Agreement and Stipulation for Public Use	
2.	
3.	
4.	
GRANTOR(S) (Last name, first, then first name and initials)	
1. Broughton Lumber Co.	
2.	
3.	
4.	
<input type="checkbox"/> Additional Names on page _____ of document.	
GRANTEE(S) (Last name, first, then first name and initials)	
1. Skamania County	
2.	
3.	
4.	
<input type="checkbox"/> Additional Names on page _____ of document.	
LEGAL DESCRIPTION (Abbreviated: IE., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)	
NE4 Section 23, Township 3 North, Range 9	
<input type="checkbox"/> Complete legal on page 142 of document.	
REFERENCE NUMBER(S) Of Documents assigned or released:	
<input type="checkbox"/> Additional numbers on page _____ of document.	
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER	
03-09-00-0-3190-00	
<input type="checkbox"/> Property Tax Parcel ID is not yet assigned.	
<input type="checkbox"/> Additional parcel #'s on page _____ of document.	
The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.	

LICENSE AGREEMENT AND
STIPULATION FOR PUBLIC USE

COOK-UNDERWOOD ROAD, SKAMANIA COUNTY ROAD No. 93041, south of MILL-A
area

The Grantor,
BROUGHTON LUMBER CO.
hereinafter referred to as Grantor

for and in consideration of one dollar (\$1.00) and other good and valuable consideration, does hereby grant unto SKAMANIA COUNTY (hereinafter referred to as the Grantee) an exclusive license and easement to use and occupy the following described real property, for the purpose of constructing improvements to stabilize the soil on or around Skamania County Road No. 93041, also commonly known as the Cook-Underwood Road. Skamania County will also have the right to operate all necessary machinery and equipment thereon. Said construction would be defined as, but not limited to, the surveying, the designing, the clearing, grubbing, excavating of material or depositing material to build a designed solution or stabilization structure (structure) to support the road prism of said Cook-Underwood Road and to revegetate that portion of the slide area to the Little White Salmon River per Engineer's design. Said Real Estate being situated in Skamania County, State of Washington, and described as follows:

LEGAL DESCRIPTION of REAL ESTATE

That property conveyed to BROUGHTON LUMBER CO. filed in Skamania County Auditor's Office in Book 46, page 262, under Auditor's No. 55788 and is located in the NE 1/4 of Section 23, Township 3 North, Range 9 East, WM., Skamania County, Washington.

License Description

A right-of-way as required for the county road designated as Cook-Underwood Road, County Road No. 93041, located in the NE 1/4 of Section 23, Township 3 North, Range 9 East, WM., Skamania County, Washington.

All of that portion of the property in the NE 1/4 of Section 23, Township 3 North, Range 9 East, WM., Skamania County, Washington that is described as follows:

A strip of land 50.00 feet in width lying parallel and easterly of the easterly right-of-way of Cook-Underwood Road beginning

at the right-of-way point perpendicular to the Engineer's Station centerline station 148+21.75 and terminating at the right-of-way point perpendicular to the Engineer's Station centerline station 149+21.76.

ALSO, a strip of land 50.00 feet in width lying parallel and easterly of the easterly right-of-way of Cook-Underwood Road beginning at the right-of-way point perpendicular to the Engineer's Station centerline station P.C. 151+43.03 and terminating at the right-of-way point perpendicular to the Engineer's Station centerline station 156+96.26.

ALSO, a strip land 50.00 feet in width for revegetation, the centerline being more particularly described as: beginning at the Engineer's Station 154+35.40; thence S 68° W, 560.00' to the centerline a strip land 100.00 feet in width for revegetation; thence S 87° E to the Little White Salmon River.

All that portion lying within the grantor's real property. Said licensed area is shown as the cross hatched area on the attached diagram labeled "Exhibit A".

If any portion of the forementioned structure falls outside of the existing right-of-way, then said portions of real property will be purchased by Skamania County at its fair market value and/or said area could be secured by a usage easement. The Grantee will attempt to use the property in a manner that least disturbs the Grantor's real property and will within reason return the property to the condition it was in prior to the construction.

The Grantor further grants to the Grantee, or its agents, the right to enter upon the Grantor's land where necessary to construct operate or maintain said Cook-Underwood Road. This license may be terminated in writing by either party at any time after October 31, 1999, or at the completion of construction, whichever comes first.

Should it be necessary to remove commercial timber on the described real property, timber produced from construction activity will be placed along the road side where it could be loaded onto a log truck.

Grantee, its successors and assigns, will protect, save and hold harmless the Grantor, its authorized agents and employees, from all claims, actions, costs, damages or expenses of any nature whatsoever by reason of the acts or omission of the Grantee, its assigns, agents, contractors, licensees, invitees, employees or any person

whomsoever arising out of or in connection with any acts or activities authorized by this LICENSE. The Grantee further agrees to defend the Grantor, its agents or employees in any litigation, including payment of any costs or attorney's fees, for any claims or action commenced, thereof arising out of or in connection with acts or activities authorized by this LICENSE. This obligation will not include such claims, costs, damages or expenses which may be caused by the sole negligence of the Grantor or its authorized agents or employees; Provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Grantor, its agents or employees and (b) the Grantee, its agents or employees, and involves those actions covered by RCW 4.24.115, this indemnity provision will be valid and enforceable only to the extent of the negligence of the Grantee or Grantee's agents or employees.

As part of the consideration for the granting of this license it is further understood that this real property may be necessary for public use and agreed that in the event that facilities will be constructed on said real property, the Grantee will offer to purchase the above described real estate for the construction, operation and maintenance of the aforementioned county road. By granting this license the Grantor therefore does not waive, in any manner, the right to just compensation for any or all of the property rights that the Grantee will acquire in the future. It is further agreed that if negotiations to purchase the property is unsuccessful then the Grantee may initiate an Eminent Domain proceeding to acquire the property. In that event the Grantor hereby agrees to stipulate to the entry of an Order Adjudicating Public Use and Necessity and a Statutory Possession and Use Agreement.

It is understood and agreed that the delivery of this License is hereby tendered and that the terms and obligations hereof will not become binding upon the Skamania County unless and until accepted and approved hereon in writing by the Skamania County Commissioners

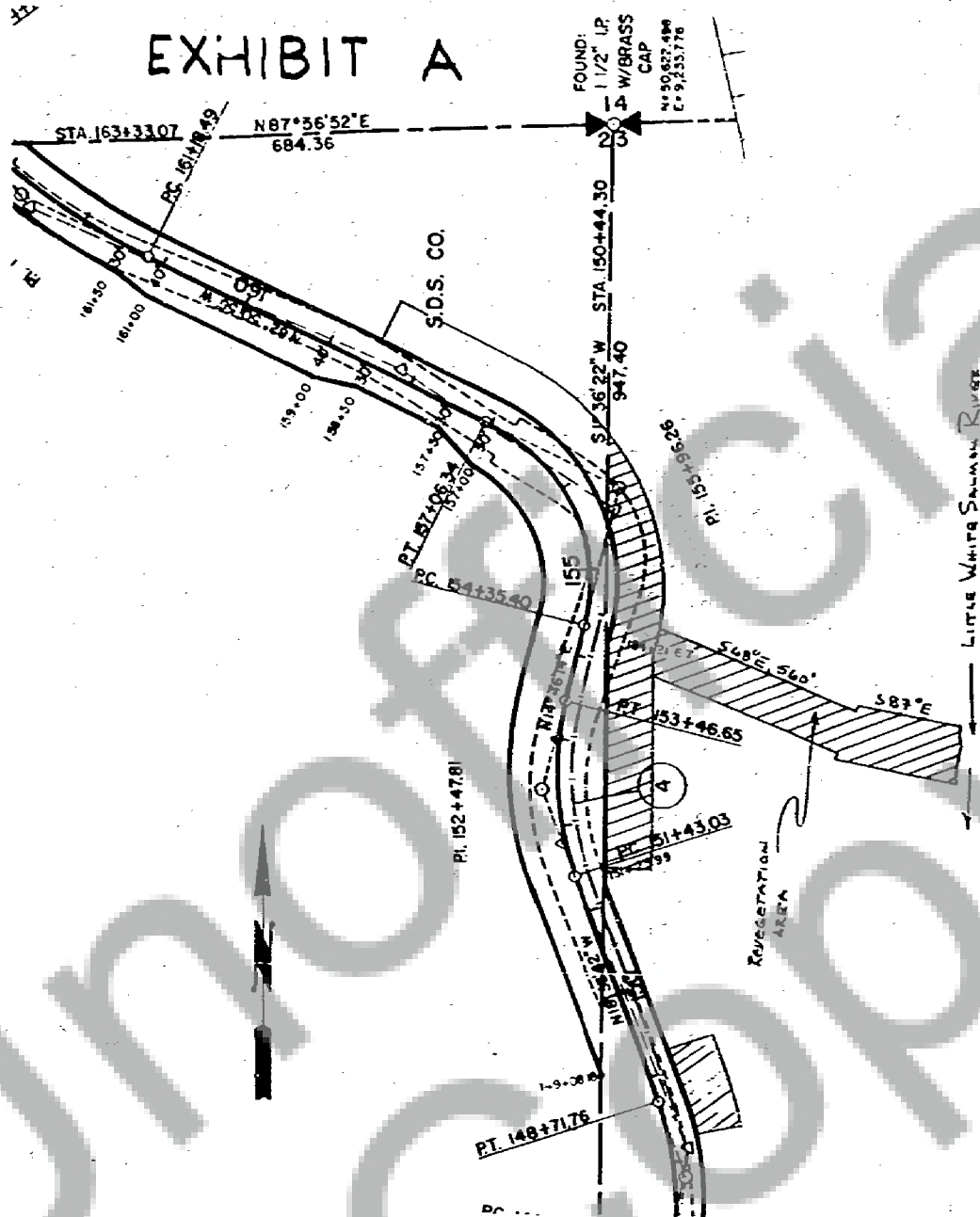
ACCEPTED and APPROVED:

Date

7/24/97

By:

Michael A. Stinson

[illegible]

DATED: August 4, 1997

SKAMANIA COUNTY
BOARD OF COMMISSIONERS

Edward A. Miller
Chairperson

Judy A. Carter
Commissioner

Albert E. McKee
Commissioner

ATTEST:

Gary M. Olson
County Auditor and Ex-Officio
Clerk of the Board



APPROVED AS TO FORM ONLY:

BA 7/22/97
Skamania County Prosecuting
Attorney

NA
REAL ESTATE EXCISE TAX

AUG 29 1997

PAID NA

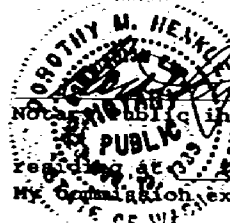
JW
SKAMANIA COUNTY TREASURER

STATE OF Washington,
COUNTY OF Klickitat ss.

On this day personally appeared before me Rees A. Starnson

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 24th day of July 1997.

 Dorothy M. Henkle
Notary Public in and for the State of Washington,
residing at White Salmon
My Commission expires 11-19-98